IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Thomas Brumm et al.
Appl. No.:	09/827,487
Conf. No.:	5738
Filed:	August 9, 2001
Title:	SYSTEM FOR CONNECTING TELECOMMUNICATION EQUIPMENT TO A PACKET-SWITCHING TELECOMMUNICATION NETWORK
Art Unit:	2616
Examiner:	Michael J. Moore, Jr.
Docket No.:	112740-207

Commissioner for Patents
P.O. Box 1450
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APPELLANTS' REPLY BRIEF

Sir:

I. INTRODUCTION

Appellants submit Appellants' Reply Brief in response to the Examiner's Answer dated June 23, 2006 pursuant to 37 C.F.R. § 41.41(a). Appellants respectfully submit the Examiner's Answer has failed to remedy the deficiencies with respect to the Final Office Action dated August 3, 2005 as noted in Appellants' Appeal Brief filed on April 21, 2006 for at least the reasons set forth below. Accordingly, Appellants respectfully request that the rejections of pending Claims 1 and 3-27 be reversed.

II. A PRIMA FACIE CASE OF OBVIOUSNESS HAS NOT BEEN ESTABLISHED

a. The skilled artisan would not be motivated to combine *Rose* with *Ress* to arrive at the present claims

Appellants respectfully request that the Board reverse the section 103 rejections because the Examiner has still failed to provide sufficient motivation or suggestion for one having ordinary skill in the art to combine the cited references to arrive at the present claims without using hindsight. Moreover, Appellants respectfully submit that the Examiner has failed to consider the references as a whole and those portions teaching away from the combination. Instead, it is respectfully submitted that the Examiner has improperly attempted to combine references that have different intended purposes and modes of operation.

The disclosure in *Rose* is directed towards a communication system architecture that supports varying types of network protocols that may or may not be compatible (col. 1, lines 55-60; col. 2, lines 17-24). As part of the architecture, *Rose* discloses a protocol interworking processor 144 that translates protocols between the ATM adaption layers (AAL-1, 2, 5) via control line 145 that carries commands from the connection supervisor 120 (col. 8, lines 27-41). *Rose* also discloses a gateway interface 112 that accepts various signals in a LAN interface (150 - see FIG. 6, refs. 22, 14, 26, 28, 30 and 32) and routes these signals to appropriate output interfaces (col. 8, lines 49-52). In processing call signaling, the interface 112 translates H.225 signals to a broadband format (DSS1) for onward routing (col. 8, lines 53-59; col. 9, lines 6-22).

Once the call routing is completed, virtual channels are set up, to provide an illusion that a whole trunk call is being set up to allow H.245 negotiation control signals to be transmitted in a conventional manner (i.e., without translation) according to the assigned virtual channels (col. 9, lines 47-57; col. 10, line 63 - col. 11, line 15). In other words, the only "converting" being done in *Rose* is to the H.225 signals, in order to set up subsequent H.245 negotiation control:

> Call signalling is used to set-up and clear-down an H.245 control channel applied to the gateway interface 112. On the LAN 10, call signalling is achieved using H.323 (H.225) call signalling messages; while DSS1/DSS2 signalling messages are utilised in the narrowband/broadband access network, and SS7 N-ISUP/B-ISUP signalling messages are used for call signalling in the narrowband/broadband trunk network. On the LAN 10, routing of

> the H.323 call can be based upon transport add*Ress*es, telephone numbers (as per E-164) or E-mail add*Ress*es, while the call handler 116 bases its routing upon telephone numbers. Also, on the LAN 10 and where appropriate, the relevant infrastructure and subscriber entities know the transport add*Ress* of each end of the H.245 control channel, whereas a relevant call handler in the access network knows the access circuit identity for the H.323 call. In the trunk network, the relevant call handler knows the trunk circuit identity used for the H.323 call.
>
> In other words, the call handler 116 has been hood-winked in the present invention into believing that the gateway interface 112 is a subscriber and hence operating within its access network. The call handler 116 believes that the next exchange 118 is connected to its trunk network (either narrowband or broadband).
>
> When the call handler 116 sets up an H.323 call, the call handler 116 believes that the whole call has been established while, in fact, only the H.245 control channel has been set up. In the system of the present invention, no call handler or call signalling message knows the identity of any audio, video or data channel.

(col. 11, line 60 - col. 12, line 23).

Turning to *Ress*, the reference teaches a system for internetworking between IP telephony protocols, where a protocol-independent format, referred to as an the "agent internetworking protocol" (AIP) is used as an intermediate format to transmit between protocols (col. 6, lines 22-27). The AIP is preferably based on the ISUP protocol, but is also compatible with Q.931 or SIP (col. 6, lines 38-47). In order to communicate between agent protocols, *Ress* "maps" the agent protocols or native protocols to achieve internetworking. In cases where no mapping exists, the same message is tunneled to another agent, where a determination is made whether or not the message can be understood by the agent (col. 9, lines 4-17). If the signaling is not supported, the data is simply discarded (col. 10, lines 35-41).

Applicant maintains there is no teaching, suggestion or motivation to combine *Ress* with *Rose* in the manner suggested in the office action. For one, the AIP configuration of *Rose* relies exclusively on "agents" and an intermediary protocol to allow internetworking between those agents. As such, the configuration relies heavily on mapping to coordinate the location and protocol of a transmitted message. However, as discussed above in relation to *Rose*, the H.225 signal conversion within virtual channels creates the illusion that the gateway interface is a

subscriber operating within its access network, and that other exchanges are connected to its trunk network. As such, *no call handler or call signaling message knows the identity of any audio, video or data channel.* It is lost on Applicant why mapping, such as that disclosed in *Ress*, would suddenly be invoked, given the teaching of *Rose*.

Moreover, *Ress* discloses tunneling as a solution for limitations of H.323 vis-à-vis the AIP system itself. *Ress* explicitly cites that "[a]nother capability that H.323 supports which can not be supported by other protocols is the exchange of H.245 indications between two H.323 devices." (col. 9, lines 23-26). Yet, *Rose* explicitly provides this capability in the disclosure (see, col. 5, lines 51-59; col. 7, line 63 - col. 8, line 22). What messages then, are supposed to be tunneled in *Rose*, and for what purpose, given the teaching of *Ress*?

b. *Rose* and *Ress* fail to disclose or suggest every element of the present claims

The cited art, alone or in combination, fails to disclose a system or apparatuses for processing first and second signaling data in a communications system, which is coupled to both packet-switched and line-switched communications network, "wherein the second signaling data [*of the line-switching communication network*] is transmitted in the packet-switching communications network instead of the first signaling data [*of the packet-switched communication network*] when the second signaling data cannot be converted to the first signaling data." The above features of the present invention are recited in independent claim 1, and similarly recited in independent claims 21, 24 and 26.

It has been conceded that *Rose* fails to teach the aforementioned limitations. However, *Ress* fails to solve the deficiencies of *Rose*, as explained in the Appelant's Brief. Furthermore, the arguments provided above in relation to *Ress* amplify the erroneous nature of the rejection. *Ress* tunnels signals only when there is not a corresponding mapping of the internetworked protocol. *Ress* does not make "conversions" to the messages as alleged in the Examiner's Answer. In fact, *Ress* specifically provides respective agents to each type of protocol (col. 5, lines 2-27), and uses the AIP protocol to negotiate routing before sending an (unconverted) internetworked message (col. 5, lines 26-38). Again, if the signaling is not supported in *Ress*, the data is *discarded* (col. 10, lines 35-41).

For at least these reasons, Appellant respectfully submits that the rejection is improper and should be reversed by this Board. As clearly demonstrated herein, one of ordinary skill in the art simply would not be motivated to combine the cited references to achieve the claimed invention. Moreover, even if combinable, the cited references fail to disclose or suggest every element of the present claims. Accordingly, Appellant respectfully submits that claims 1 and 3-27 are allowable in their present form.

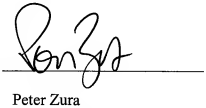
III. CONCLUSION

For the foregoing reasons, Appellants respectfully submit that the Examiner's Answer does not remedy the deficiencies noted in Appellants' Appeal Brief with respect to the Final Office Action. Therefore, Appellants respectfully request that the Board of Appeals reverse the obviousness rejections with respect to Claims 1 and 3-27.

No fee is due in connection with this Reply Brief. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112740-207 on the account statement.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

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